

BLAINE COUNTY PLANNING & ZONING COMMISSION
PUBLIC HEARING: October 11, October 25, and November 1, 2018

REGARDING THE APPLICATION OF:

Blaine County for a Public hearing on and consideration of text amendments to the Floodplain Overlay District chapter 17 of the Blaine County Code Zoning Regulations.

FINDINGS AND RECOMMENDATION

I. TEXT AMENDMENTS TO ZONING REGULATIONS

Public hearing on and consideration of text amendments to the Floodplain Overlay District chapter of the Blaine County Code Zoning Regulations. Amendments are proposed to Sections 1 through 9 of this chapter and include updates and additions to definitions, revisions to Permitted, Conditional and Prohibited Uses with the Floodway and Floodplain Sub districts, the addition of categorically excluded uses within the Floodplain Sub district, the transition of Conditional Use Permit conditions of approval to requirements for all uses in the Floodplain Overlay District, revisions to the Riparian Setback District regulations, revisions to the entire non-conforming section of the chapter, and minor revisions to the Stream Alteration Permitting process for processing of permits.

II. APPLICABLE REGULATIONS:

(Included below or made a part hereof by reference)

- Idaho Code, Title 67, Chapter 65, Local Land Use Planning Act
- Blaine County Code, Title 8, Comprehensive Plan
- Blaine County Code, Title 9, Zoning Regulations, Chapter 31, Amendments

III. GENERAL INFORMATION:

1. Notice of the October 11, 2018 Public Hearing was provided as follows:

- A. Published in the Idaho Mountain Express on September 26, 2018;
- B. public service announcement request to area media sent September 25, 2018;
- C. sent to all Blaine County political subdivisions on September 24, 2018;
- D. posted in at least five (5) public places on September 27, 2018, as evidenced by affidavit in file;
- E. mailed to incorporated cities in County pursuant to Area of City Impact Agreements on September 11, 2018 and,
- F. The draft of the proposed amendments was made available on the county web site on October 4, October 25 and October 30, 2018.

► **Finding:** Upon motion by Commissioner Pynn, second by Commissioner Ranill, and by a vote of 5 to 0 (Fosbury and Murphy absent), the Commission finds notice to be in compliance with applicable regulations, I.C. §67-6509 and §9-31-4 of the Zoning Ordinance.

The October 11, 2018, hearing was continued on the record to October 25 and again to November 1, 2018. Notice for continued hearings was given by posted agenda.

2. **Disclosures:** None

3. Attached to the staff report and incorporated by reference are the following exhibits:

Exhibit A – Staff Materials

- A-1: Current Ch. 17 – Floodplain Overlay District and Riparian Setback District Regulations
- A-2: Redline proposed ordinance changes to Floodplain Chapter 17 (Nov. 1, 2018)
(NOTE: Additions to text are underlined and deleted text is struck)
- A-3: Proposed revised Chapter 17 (Nov. 1, 2018)

Exhibit B—Agency Comments

- B-1: Scott Van Hoff (FEMA), received Oct. 30, 2018
- B-2: Jeff Loomis, County Engineer, received Oct. 30, 2018
- B-3: Tim Graves, Chief Deputy Prosecuting Attorney, received Oct. 31, 2018

Exhibit C—Public Comments

- C-1: Nick Purdy, received Oct. 11, 2018
- C-2: Charles G. Brockway (Brockway Engineering), received Oct. 11, 2018
- C-3: Carl Hjelm (Alpine Tree Service), received Oct. 23, 2018
- C-4: Charles G. Brockway (Brockway Engineering), received Nov. 1, 2018
- C-5: Robert Crosby; received Nov. 1, 2018
- C-6: Trout Unlimited (Keri York); received Nov. 1, 2018
- C-7: Idaho Conservation League (Joshua Johnson); received Nov. 1, 2018
- C-8: Jim Laski, received Nov. 1, 2018

IV. GENERAL TEXT AMENDMENT CRITERIA

A. Idaho Code §67-6511(a) and Blaine County Code §9.31.4 (A):

Commission shall evaluate the facts and circumstances of the proposed to determine:

- *The nature and extent of the amendment;*

Finding: Blaine County participates in the National Floodplain Insurance Program (NFIP). The NFIP provides flood insurance to the Blaine County community if the community participates and in order to participate in the NFIP the community must adopt certain minimum requirements as updated from time to time by Federal Emergency Management Agency (FEMA);

Blaine County also participates in the Community Rating System (CRS) and in order to participate in the CRS the community must obtain points which determines a flood insurance rate reduction amount for property owners who own developed property or property they wish to develop in the floodplain;

- *The reasons therefor;*

Finding: Blaine County seeks to clarify, simplify and make more consistent floodplain and riparian setback requirements in Chapter 17. Blaine County has allowed categorical exclusions in other chapters to make the process simpler, more affordable and more timely and wishes to adopt that option for certain permits in Chapter 17. After the 2017 flooding, channel avulsion, property loss, habitat loss, and accumulation of debris and sedimentation, Blaine County seeks to manage the development in the floodplains in a way that will increase resiliency and decrease costs associated with natural flooding disaster recovery.

- *Whether it is in accordance with the Comprehensive Plan;*

Finding: This text amendment is in accordance with Blaine County's Comprehensive Plan, specifically as set out in the Natural Environment Section.

Guiding Principle:

Land uses in hazardous areas and sensitive areas shall be closely regulated.

Development in hazardous areas such as avalanche zones, floodways, floodplains and wildland-urban interface locations leads to higher public costs and greater risks to human safety. These include the difficulty of providing emergency services and the potential loss of property or life. Development in sensitive areas like important wildlife habitat and movement corridors, wetlands and riparian zones threatens natural environmental assets. Any weakening of related regulations would be in conflict with this principle.

Policy Statement:

Continue to improve floodplain management policies that preserve or promote natural fisheries and native streamside vegetation.

- *The effects on potable water sources; and,*

- *The impacts of the proposal upon the delivery of services by any political subdivision providing services, including school districts, within the County.*

Finding: This text amendment is in accordance with any relevant provisions of Title 9, Chapter 31 and the County Comprehensive Plan and will not have a substantial impact on the provision of public services or the potable water supply in the county.

B. Idaho Code §67-6511(b) and Blaine County Code §9.31.4 (B):

If the proposal is in conformance with the Plan and it is found that the proposal will not result in demonstrable adverse impacts upon the delivery of services, the Commission may recommend adoption of the amendment.

C. Idaho Code §67-6511(c) and Blaine County Code §9.31.4 (C):

If the proposal is not in conformance with the Plan, or will result in demonstrable adverse impacts upon the delivery of services, the Commission may consider whether it is appropriate to amend the Comprehensive Plan. Notice procedures provided in Idaho Code Section 67-6509 must be adhered to in recommending an amendment to the Comprehensive Plan.

D. Idaho Code §67-6528, Applicability of Ordinances:

"The state of Idaho, and all its agencies, boards, departments, institutions, and local special purpose districts, shall comply with all plans and ordinances adopted under this chapter unless otherwise provided by law. In adoption and implementation of the plan and ordinances, the governing board or commission shall take into account the plans and needs of the state of Idaho and all agencies, boards, departments, institutions, and local special purpose districts. ...

Finding on B, C, and D: The proposed amendments are in conformance with the Comprehensive Plan and will not result in demonstrable adverse impacts on the delivery of services. As such, item "C" is not applicable. Public notice of the proposed amendments was sent to political subdivisions including state agencies, in order to take into account their plans and needs. No comments from state agencies were received. As such, the Commission finds standard "D" is met.

V. RECOMMENDATION

► **Recommendation:** Upon motion by Commissioner Giannettino, second by Commissioner Murphy, and by a vote of 6 to 1 (Pynn votes nay), the Commission conditionally recommends this application by Blaine County for a text amendment to Title 9, Zoning Regulations, to repeal and replace Chapter 17, finding the proposed amendment is in conformance with the Comprehensive Plan and will not result in demonstrable adverse impacts upon the delivery of services or the potable water supply.

Conditions of Recommendation:

1. Display Ad publication in two consecutive Wednesday issues of the Idaho Mt. Express prior to the Board of County Commissioner hearing on November 27, 2018. The display ad shall inform the public of the upcoming hearing and direct the public on where to find the materials for the proposed amendments.
2. The title of Section 9-17-6E(4) shall read "Fill Limitations" instead of "Balanced Cut and Fill" and "also referred to as cut-and-fill" shall be added to end of the section for clarification.

BLAINE COUNTY PLANNING & ZONING COMMISSION

 
Mike O'Farrell, Vice-Chair Date